

05/23/06

CASE D0251 NP

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV304411999US
Express Mail Label Number

May 22, 2006
Date of Deposit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

WHITNEY ET AL.

APPLICATION NO: 10/600,816

FILED: JUNE 20, 2003

FOR: IDENTIFICATION AND MODULATION OF A G-PROTEIN

COUPLED RECEPTOR (GPCR), RAI-3, ASSOCIATED WITH

CHRONIC OBSTRUCTIVE PULMONARY DISEASE (COPD)

AND NF- κ B AND E-SELECTIN REGULATION

Art Unit: 1646

Examiner: LI, RUIXIANG

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SECOND RESTRICTION REQUIREMENT
WITHOUT TRAVERSE

Sir:

In reply to the Office Action dated March 13, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group II, without traverse, drawn to a method of diagnosing breast tumors comprising measuring RNA encoding the polypeptide of SEQ ID NO:3 in a biological sample.

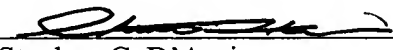
The instant election is made without prejudice to or disclaimer of the other claims or inventions disclosed. In addition, Applicants remind the Examiner that the instant restriction requirement is subject to the non-allowance of the linking claims, Claims 35 and 36, and that upon allowance of the same, the restriction requirement to the linked inventions (i.e., Groups I to VIII) should be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) should be entitled to examination in the instant application.

A two-month extension is hereby requested pursuant to 37 CFR §1.136(a). Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$450 for payment of the extension fee.

If any fee is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
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Date: May 22, 2006



Stephen C. D'Amico
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